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GENERAL SCIENTIFIC CORPORATION
7
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 JENNIE BENNETT, an individual,

13 Plaintiff,

14 vs.

15 GENERAL SCIENTIFIC
CORPORATION, a Michigan
16 corporation, dba SURGITEL; and
DOES 1 through 50, inclusive,

17 Defendants.
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CASE NO.: _____

[Los Angeles County Superior Court
Case No: 22LBCV00069]

**DEFENDANT GENERAL
SCIENTIFIC CORPORATION'S
NOTICE OF REMOVAL OF
ACTION TO UNITED STATES
DISTRICT COURT PURSUANT TO
28 U.S.C. §§ 1332, 1441, AND 1446
(DIVERSITY)**

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1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
2 **CENTRAL DISTRICT OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE THAT** Defendant General Scientific
4 Corporation, by its attorneys, and pursuant to 28 U.S.C. Sections 1332, 1441(b),
5 and 1446, hereby gives notice of removal of this action to the United States District
6 Court for the Central District of California, and in support states:

7 **I. THE STATE COURT ACTION AND PROCEDURE OF REMOVAL**

8 On or about February 16, 2022, Plaintiff filed a Complaint against Defendant
9 in the Superior Court of California, County of Los Angeles, alleging multiple
10 causes of action arising from or related to Plaintiff's employment with Defendant
11 and the termination of that employment. Plaintiff's Complaint was assigned Case
12 No. 22LBCV00069. A true and correct copy of Plaintiff's Complaint is attached as
13 Exhibit A and copies of other documents filed in Los Angeles County Superior
14 Court are also attached hereto as Exhibits C through H.

15 Defendant was first served with process in this matter by email on March 9,
16 2022, which service Defendant acknowledged as if by mail on that date.
17 Defendant's Notice and Acknowledgement of Receipt is attached hereto as
18 Exhibit B.

19 This notice is made and filed timely pursuant to 28 U.S.C. Section 1446.

20 **II. JURISDICTION**

21 This is a civil action that may be removed to the instant Court by Defendant
22 pursuant to 28 U.S.C. Section 1441(b), in that Plaintiff and Defendant are citizens
23 of different states and it is an action in which the amount in controversy exceeds
24 \$75,000.

25 **III. DIVERSITY OF CITIZENSHIP**

26 For the reasons discussed below, for purposes of 28 U.S.C. section 1332,
27 there is complete diversity between Plaintiff and Defendant.
28

1 **A. Plaintiff Is a Citizen of California.**

2 For diversity purposes, citizenship of an individual is determined by the
3 individual's domicile at the time that the lawsuit is filed. *Lew v. Moss*, 797 F.2d
4 747, 749-50 (9th Cir. 1986). "A person's domicile is her permanent home, where
5 she resides with the intention to remain or to which she intends to return." *Kanter*
6 *v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). Determining an
7 individual's domicile involves a number of factors, including current residence,
8 place of employment, voting registration and voting practices, location of personal
9 and real property, location of bank accounts, location of spouse and family,
10 membership in unions and other organizations, driver's license and automobile
11 registration, and payment of taxes. *Lew*, 77 F.2d at 750. Furthermore, "a person's
12 old domicile is not lost until a new one is acquired." *Id.* In other words, a
13 "domicile, once established, remains the same." *Middleton v. Stephenson*, 749 F.
14 3d 1197, 1200 (10th Cir. 2014), *citing Mitchell v. United States*, 88 U.S. 350, 353
15 (1874) ("A domicile once acquired is presumed to continue until it is shown to have
16 been changed.").

17 Plaintiff is domiciled in the state of California. In her Complaint, Plaintiff
18 alleges that Defendant "employed [her] in Los Angeles, California," from April
19 2014 to July 2021, a period of more than seven years. Ex. A, Compl., ¶¶ 2, 14, 17.
20 Moreover, she has filed her civil action in the Superior Court of California for the
21 County of Los Angeles and has claimed protection under laws of the State of
22 California, explicitly California Government Code Section 12940 *et seq.* (the Fair
23 Employment and Housing Act), the California Labor Code, and California Business
24 and Professions Code Section 17200 *et seq.* Given these facts, for diversity
25 purposes, Plaintiff is a citizen of California. *See, e.g., Lew*, 797 F. 2d at 751 (party
26 who had lived seven years straight in California was presumed domiciled in
27 California despite declaration of recent residence in Hong Kong); *Mondragon v.*
28 *Capital One Auto Finance*, 776 F.3d 880 (9th Cir. 2013) (holding that, in

1 connection with removal to federal court, a person’s continuing domicile in a state
2 establishes citizenship “unless rebutted with sufficient evidence of change”).

3 **B. Defendant is a Citizen of Michigan.**

4 For purposes of diversity jurisdiction, corporations are “deemed to be a
5 citizen of every State . . . by which it has been incorporated and of the State . . .
6 where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). “Principal
7 place of business” means “the place where the corporation’s high level officers
8 direct, control and coordinate the corporation’s activities,” often referred to as the
9 corporation’s “nerve center.” *Hertz Corp. v. Friend*, 559 US 77, 80-81, 92-93
10 (2010) (rejecting all prior tests in favor of “nerve center” test); *Harris v. Rand* 682
11 F3d 846, 851 (9th Cir. 2012).

12 Defendant is a corporation organized and existing under the laws of the state
13 of Michigan. Moreover, all of its high level officers (including but not limited to
14 Byung Jin Chang and Sharon Chang) are located in Ann Arbor, Michigan. Based
15 on the “nerve-center test,” Defendant’s principal place of business is also
16 inarguably Michigan.¹ Accordingly, Defendant is a citizen of Michigan.²

17 ¹ Plaintiff contends in her Complaint “that a substantial predominance of [its]
18 business activity is conducted in California, County of Los Angeles.” Exh. A,
19 Compl., ¶ 2. Though not relevant to establish diversity, Plaintiff is mistaken—only
20 roughly 9% of Defendant’s gross revenues are produced by sales in the State of
California.

21 ² The citizenship of fictitious “Doe” defendants is disregarded for removal
22 purposes. *See* 28 U.S.C. § 1441(b)(1). Notwithstanding, all known *potential* Doe
23 defendants (*i.e.*, those individuals identified by name in Plaintiff’s Complaint) are
24 likewise diverse: Byung Jin Chang and Sharon Chang, alleged by Plaintiff to be
25 co-owners of Defendant and to have been actively involved in the matters of which
26 Plaintiff complains, are both residents of the state of Michigan; Greg Smith, alleged
27 by Plaintiff to have been her manager and to have been actively involved in the
28 matters of which she complains, is a resident of the state of Massachusetts; no agent
or employee of Defendant involved in making decisions regarding Plaintiff’s
hiring, the terms and conditions of her employment, or her termination is a resident
of the state of California.

1 **IV. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000**

2 An action may be removed if the defendant is not only diverse but also
3 establishes that the aggregate amount in controversy exceeds \$75,000. *See Abrego*
4 *v. Dow Chemical Co.*, 443 F. 3d 676, 683 (9th Cir. 2006); *Bank of Calif. Nat’l*
5 *Ass’n v. Twin Harbors Lumber Co.*, 465 F. 2d 489, 491 (9th Cir.1972).

6 Plaintiff’s Complaint does not allege an amount of damages. However,
7 “when removal is based on diversity of citizenship, and the complaint does not state
8 an amount in controversy, the defendant’s notice of removal may do so.” *Langston*
9 *v. T-Mobile US, Inc.*, No. LACV1801972JAKASX, 2018 WL 2382464, at *4 (C.D.
10 Cal. 2018), *citing Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct.
11 547, 550, 551 (2014). The defendant’s notice of removal “need include only a
12 plausible allegation that the amount in controversy exceeds the jurisdictional
13 threshold. *Dart, supra*, at 554.

14 Based upon Plaintiff’s allegations, the amount at issue in this case plausibly
15 exceeds \$75,000.00, both when taking into account lost wages, general and punitive
16 damages, and attorney's fees, as well as when looking at jury verdicts in single
17 plaintiff discrimination actions.

18 **A. Plaintiff’s Complaint Inferentially Pleads Damages in Excess of**
19 **the \$75,000 Threshold.**

20 Plaintiff seeks to recover compensatory damages in the form of both future
21 and past lost income, general damages, punitive damages, and attorneys’ fees, all of
22 which, when aggregated, place more than \$75,000 is in controversy. Exh. A,
23 Compl., e.g., ¶¶ 83-86, Prayer for Damages, ¶¶ 1-4. *See Chavez v. JPMorgan*
24 *Chase & Co.*, 888 F.3d 413, 417-18 (9th Cir. 2018) (holding that it was appropriate
25 to consider lost future wages in assessing whether the amount in controversy was
26 satisfied on removal); *Simmons v. PCR Technology*, 209 F. Supp. 2d 1029, 1034
27 (N.D. Cal. 2002) (“emotional distress damages may be considered when calculating
28 the amount in controversy even where not clearly pled in the complaint”); *Gibson v.*

1 *Chrysler Corp.*, 261 F.3d 927, 945 (9th Cir. 2001) (“It is well established that
 2 punitive damages are part of the amount in controversy in a civil action.”); *Fritsch*
 3 *v. Swift Trans. Co. of Ariz., LLC*, 899 F.3d 785, 794–95 (9th Cir. 2018) (attorneys’
 4 fees properly considered in removal analysis).

5
 6 Lost Income (future and past) = \$48,000 minimum

7 Plaintiff did not disclose the amount of her earnings. Accordingly, for
 8 purposes of removal analysis, Defendant assumes Plaintiff earned minimum wage
 9 (\$14/hour), that she worked full-time (40 hours/week), and that trial of her claims
 10 will be set one year from now (April 2023), a period of approximately 20 months
 11 from the date of her separation on July 5, 2021.³

12
 13 $\$14/\text{hr} * 40 \text{ hrs/wk} * 52 \text{ wks/yr} / 12 \text{ mos/yr} = \$2,425/\text{mo} * 20 \text{ mos.} = \$48,500$

14
 15 General / Emotional Distress Damages = \$25,000 minimum

16 Although Plaintiff claims emotional distress damages with respect to each of
 17 her statutory and common law tort causes of action for discrimination and

18
 19 ³ It is hard to imagine that Plaintiff, who admits that she worked for Defendant for
 20 more than seven years and contends that she “was one of the few employees asked
 21 to come back to work due to her exemplary work ethic and strong sales numbers,”
 22 Exh. A, Compl., ¶¶ 17, 29, would only earn minimum wage and not an amount at
 23 least several multiples higher. Indeed, upon hire *eight years ago*, Plaintiff was
 24 advised that her anticipated yearly earnings for the first year alone would be
 25 between \$85,000 and \$90,000. Assuming she could expect to earn no more than
 the lower amount, \$85,000, her past and future income loss to April 2023 would
 alone put more than \$75,000 in controversy— $\$85,000/\text{yr} / 12 \text{ mos/yr} = \sim \$7,080/\text{mo}$
 $* 20 \text{ months} = \$141,600$.

26 It is also difficult to imagine this matter going to trial in 12 months’ time, with the
 27 general COVID-induced backlog California courts in general are experiencing.
 28 Nevertheless, for purposes of this analysis, both assumptions will suffice to
 demonstrate that the amount in controversy exceeds \$75,000.

1 retaliation, *see* Exh. A, Compl., ¶¶ 48, 61, 73, 84, 94, she explicitly alleges in
2 support of her first cause of action for alleged violation of Labor Code Section
3 1102.5 that she “has suffered special and general damages in an amount in excess
4 of the minimum jurisdiction of this court.” *See* Exh. A, Compl., ¶ 48. The
5 minimum jurisdiction of a California Superior Court of unlimited jurisdiction is
6 \$25,000. *See* Cal. Civ. Code § 85 *et seq.* If Plaintiff were to prevail on her claims,
7 she would certainly contend she is entitled to more but, for purposes of removal
8 analysis, Defendant assumes Plaintiff places only this amount in controversy.

9
10 Punitive Damages = \$25,000 minimum

11 Setting aside that punitive damages awards are often many multiples of
12 plaintiffs’ general damages, courts of the Central District of California have applied
13 a minimum “1:1 ratio with compensatory damages” when “assessing the amount in
14 controversy requirement.” *Garfias v. Team Industrial Services, Inc.*, No. LA
15 CV17-04282 JAK (AGRx), 2017 WL 4512444, at *5 (C.D. Cal. Oct. 10, 2017).
16 Using the even more conservative general damages amount, Plaintiff’s minimum
17 potential recovery for punitive damages, should she prevail, is \$25,000.

18
19 Attorneys’ Fees = \$30,000 minimum

20 As a sister court in the Central District observed, “a number of courts have
21 held that 100 hours and an hourly rate of \$300 is an appropriate and conservative
22 estimate for employment cases.” *Avila v. Kiewit Corp.*, No. CV 19-5740-MWF-
23 JPR, 2019 WL 4729641, at *6 (C.D. Cal. Sep. 26, 2019) (citing *Sasso v. Noble*
24 *Utah Long Beach, LLC*, No. CV 14-09154-AB (AJWx), 2015 WL 898468, at *6

(C.D. Cal. Mar. 3, 2015), and *Castanon v. Int'l Paper Co.*, No. 2:15-CV-08362-ODW (JC), 2016 WL 589853, at *4 (C.D. Cal. Feb. 11, 2016)).⁴

Based on the foregoing *very conservative* assumptions, and without considering any of Plaintiff's wage-and-hour claims, Plaintiff has placed a minimum of \$128,000 in controversy, which more than satisfies the minimum jurisdictional amount for diversity.

B. Jury Verdicts Establish that Discrimination and Retaliation Claims Regularly Result in Damage Awards in Excess of \$75,000.

Plaintiff brings claims for: (i) whistleblower retaliation under Labor Code Section 1102.5; (ii) pregnancy discrimination under the FEHA; (iii) retaliation under the FEHA; (iv) failure to prevent discrimination under the FEHA; (v) wrongful termination in violation of public policy; (vi) failure to reimburse business expenses under Labor Code Section 2802; (vii) failure to pay earned wages under Labor Code Section 204; (viii) failure to provide accurate wage statements under Labor Code Section 226; (ix) waiting time penalties under Labor Code Section 203; and (x) unfair and unlawful business practices under Business and Professions Code Section 17200 *et seq.* See generally Ex. A, Compl.

When successful, employment claims, such as the claims asserted by Plaintiff, frequently result in jury verdicts in excess of \$75,000 (exclusive of attorneys' fees). To establish the amount in controversy, which can include both compensatory and punitive damages, a removing defendant "may introduce evidence of jury verdicts in cases involving analogous facts." *Simmons*, 209 F. Supp. 2d at 1033-34 (finding it proper to consider evidence from various jury

⁴ Certainly the Court is cognizant of the potential for attorneys' fees to be significantly larger. See, e.g., *Navarro v. DHL Glob. Forwarding*, No. 215CV05510CASEX, 2018 WL 2328191, at *5 (C.D. Cal. May 21, 2018), *appeal dismissed*, No. 17-56662, 2018 WL 6722404 (9th Cir. Nov. 6, 2018) (awarding plaintiff over \$600,000 in fees for over 1,000 hours of attorney work in employment discrimination action).

verdict reporters to establish the amount in controversy). The following jury verdicts are illustrative of amounts that are awarded for emotional distress damages alone in similar cases:

- *Edwards v. J.K. Residential Services Inc.*, Superior Court, Los Angeles County, Case No BC500655 (December 6, 2016): the jury awarded more than \$44,500 in emotional distress damages to a plaintiff who took a pregnancy leave under the CFRA and was terminated shortly after returning from leave. *See* RJN ¶ 1, Ex. A.
- *Preciado v. Alfaqir Inc, et al.*, Superior Court, San Bernardino County, Case No. CIVRS-13-07108 (October 19, 2016): the jury awarded \$150,000 in emotional distress damages to a plaintiff whose employment was terminated after he returned from a leave of absence under the CFRA to care for his wife. *See* RJN ¶ 2, Ex. B.
- *Gomez v. Magco Drilling Inc.*, Los Angeles County Superior Court, Case No. BC534017 (September 24, 2015): the jury awarded the plaintiff \$45,000 for pain and suffering for disability discrimination and failure to accommodate. *See* RJN ¶ 3, Exh. C.
- *Ko v. The Square Group LLC*, Los Angeles County Superior Court, Case No. BC487739 (June 16, 2014): the jury awarded the plaintiff \$125,000 in pain and suffering damages after finding that the defendant terminated her employment when she requested time off work to treat a kidney infection. *See* RJN ¶ 4, Exh. D.

These jury verdicts highlight the fact that Plaintiff has placed more than \$75,000 in controversy in this action.

Accordingly, for all of the reasons discussed above, the amount in controversy significantly exceeds \$75,000.

V. PROCESS, PLEADINGS, AND ORDERS

- Attached hereto as Exhibit “A” is a true and correct copy of the

1 Complaint, filed with the Superior Court of the State of California in
2 and for the County of Los Angeles on February 16, 2022.

- 3 • Attached hereto as Exhibit “B” is a true and correct copy of the signed
4 Notice and Acknowledgment of Receipt—Civil, indicating that
5 Defendant was served with the Complaint effective March 9, 2022.
- 6 • Attached hereto as Exhibit “C” is a true and correct copy of the
7 Summons on General Scientific Corporation, a Michigan corporation,
8 dba Surgitel, filed on February 16, 2022.
- 9 • Attached hereto as Exhibit “D” are true and correct copies of the Civil
10 Case Cover Sheet and the Civil Case Cover Sheet Addendum and
11 Statement of Location, filed on February 16, 2022.
- 12 • Attached hereto as Exhibit “E” is a true and correct copy of the Notice
13 of Case Assignment in the state court action dated February 16, 2022.
- 14 • Attached hereto as Exhibit “F” is a true and correct copy of the Notice
15 of Case Management Conference in the state court action dated
16 February 17, 2022.
- 17 • Attached hereto as Exhibit “G” is a true and correct copy of the notice
18 of Order to Show Cause Hearing in the state court action dated
19 February 17, 2022.
- 20 • Attached hereto as Exhibit “H” is a true and correct copy of Plaintiff’s
21 Proof of Service filed in the state court action representing that the
22 Summons and Complaint were electronically served on Defendant on
23 dated March 9, 2022.

24 Defendant is informed and believed that Exhibits “A” through “H” constitute
25 all the process, pleadings, and/or orders served upon it in this action.

26 On this day, or no later than the next business day, notice of this removal is
27 being given to both Plaintiff and to the Clerk of the Los Angeles County Superior
28 Court. True and correct copies of these notices are attached hereto as Exhibits “I”

1 and "J," respectively. The proof of service of the Notice to Adverse Party of
2 Removal will be filed with this Court immediately after the Notice is served on
3 Plaintiff and the Superior Court filing is accomplished.

4 WHEREFORE, Defendant hereby gives notice of removal of the Los
5 Angeles County Superior Court Case No. 22LBCV00069 to the United States
6 District Court for the Central District of California and respectfully requests that all
7 future proceedings be held in this Court.

8
9 DATED: April 6, 2022

KADING BRIGGS LLP

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11 By: 

THERESA A. KADING

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13 Attorneys for Defendant
14 GENERAL SCIENTIFIC CORPORATION
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EXHIBIT “A”

EXHIBIT “A”

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JENNIE BENNETT

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – UNLIMITED CIVIL

JENNIE BENNETT, an individual,

Plaintiff,

vs.

GENERAL SCIENTIFIC CORPORATION, a
Michigan corporation, dba SURGITEL; and
DOES 1 through 50, inclusive,

Defendants.

Case No. **22LBCV00069**

COMPLAINT FOR DAMAGES

1. WHISTLEBLOWER RETALIATION
[California Labor Code § 1102.5]
2. SEX DISCRIMINATION (PREGNANCY)
[Gov. Code § 12940(a); 12926(q)];
3. RETALIATION IN VIOLATION OF
FEHA [Gov. Code § 12940 et seq.];
4. FAILURE TO PREVENT
DISCRIMINATION AND
HARASSMENT [Gov. Code §12940 et
seq.];
5. WRONGFUL TERMINATION IN
VIOLATION OF PUBLIC POLICY;
6. FAILURE TO REIMBURSE EMPLOYEE
EXPENSES [Cal. Lab. Code § 2802]
7. FAILURE TO PAY EARNED WAGES
[Violation of California Labor Code § 204;
IWC Wage Order];
8. FAILURE TO PROVIDE ACCURATE
ITEMIZED WAGE STATEMENTS [Cal.
Lab. Code § 226]
9. WAITING TIME PENALTIES [Cal. Lab.
Code §203]
10. VIOLATION OF BUSINESS &
PROFESSIONS CODE § 17200 et seq.

DEMAND FOR JURY TRIAL

PARTIES

1
2 1. Plaintiff JENNIE BENNETT (hereinafter “Ms. Bennett” or “Plaintiff”) is, and at all
3 times mentioned herein was an employee of Defendant GENERAL SCIENTIFIC CORPORATION,
4 doing business as SURGITEL, (hereinafter “Defendant” or “SURGITEL”). Defendant employed
5 Plaintiff and at all times during her employment, Plaintiff was fully qualified for her position and was
6 performing her job duties well.

7 2. Plaintiff alleges on information and belief that Defendant SURGITEL is a Michigan
8 corporation, registered and existing under the laws of the State of Michigan and employed Plaintiff
9 in Los Angeles, California. Plaintiff further alleges on information and belief that Defendant
10 SURGITEL, at all relevant times mentioned herein, was and currently is licensed to do business in
11 California and was and is currently conducting business throughout California. Plaintiff further
12 alleges on information and belief that at all times mentioned herein, Defendant SURGITEL’s business
13 activities in the State of California were significant and that a substantial predominance of its’
14 business activity is conducted in California, County of Los Angeles. As such, Defendant SURGITEL
15 is a citizen of California.

16 3. Plaintiff alleges on information and belief that Defendants DOES 1 through 20 were
17 and are corporations or other business entities, which were authorized to and did business in Los
18 Angeles County, California. Plaintiff further alleges on information and belief that at all times
19 mentioned herein, Defendants DOES 1 through 20’s business activities in the State of California were
20 and are substantially greater than their business activities in any other state or country, and that a
21 substantial predominance of their business activity is conducted in California. As such, Defendants
22 DOES 1 through 20 are citizens of California.

23 4. Plaintiff alleges on information and belief that Defendants DOES 21 through 50 were
24 and are individuals who at all relevant times herein were and are employees, managers, supervisors,
25 managing agents or officers of Defendant, having the actual or apparent authority to participate in or
26 recommend decisions affecting Plaintiff’s job benefits and employment status. Plaintiff further
27 alleges that at all times herein mentioned, Defendants DOES 21 through 50 were in the chain of
28

1 command over Plaintiff and had sufficient actual or reasonably perceived power or control or
2 direction in the work environment of Plaintiff so as to significantly affect Plaintiff's employment
3 status.

4 5. Plaintiff is ignorant of the true names and capacities of defendants sued herein as
5 DOES 1 through 50, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff
6 will amend this Complaint to allege their true names and capacities when the names are ascertained.
7 Plaintiff is informed and believes and thereon alleges that each of the fictitiously named defendants
8 are responsible in some manner for the occurrences, discriminatory and wrongful acts alleged herein,
9 and that Plaintiff's damages alleged herein were proximately caused by these defendants. Defendant
10 SURGITEL, and DOES 1 through 50 inclusive, may be collectively referred to herein as
11 "Defendants."

12 6. Plaintiff is informed and believes and thereon alleges that, each of the Defendants was
13 the agent and employee of each of the remaining Defendants, and in doing some of the things
14 hereinafter alleged, was acting within the scope and course of such agency. Plaintiff further alleges
15 that the acts and conduct of said Defendants, as hereinafter alleged, were intentional, harassing and/or
16 retaliatory.

17 7. Plaintiff is informed and believes and thereon alleges that at all relevant times herein,
18 Defendants were the agents, employees, and/or joint ventures of, or working in concert with the other
19 Defendants, and were acting within the course and scope of such agency, employment, joint venture
20 and/or concerted activity. To the extent that said conduct and omissions were perpetrated by
21 Defendants and their agents, Defendants confirmed and ratified said conduct and omissions.

22 8. At all times mentioned herein, Defendants, and DOES 1 through 20, and each of them,
23 were the agents, servants, and alter-egos of each other, and as such, the acts of one defendant are
24 considered the acts of all defendants. Plaintiff is informed and believes, and thereon alleges, that there
25 is such unity of interests and ownership between these defendants that separate status no longer exists
26 and, further, observance of the fiction of separate existence among these defendants would sanction
27 fraud and promote injustice.
28

1 9. At all times mentioned herein, Defendants and DOES 21 through 50, and each of them,
2 were the individuals, agents, servants, persons unknown to Plaintiff at this time, but known to
3 Defendants. Plaintiff is informed and believes that DOES 21 through 50 are individuals who at all
4 relevant times herein were and are employees, managers, supervisors, managing agents, or officers
5 of Defendants.

6 10. Whenever and wherever reference is made in this Complaint to any act by a defendant
7 or defendants, such allegations and references shall also be deemed to mean the acts and failures to
8 act of each defendant acting individually, jointly, and severally.

9 11. Whenever and wherever reference is made to individuals who are not named as
10 Plaintiff or Defendant in this Complaint, but were agents, servants, employees and/or supervisors of
11 Defendants, such individuals at all relevant times acted on behalf of Defendants within the scope of
12 their employment.

13 **EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS**

14 12. Plaintiff has met her obligation of administrative exhaustion of administrative
15 remedied by filing an administrative complaint with the California Department of Fair Employment
16 and Housing and receiving a Notice of Case Closure and Right-to-Sue Letter against the Defendants
17 named herein, which was served on Defendants by certified U.S. Mail.
18

19 **VENUE AND JURISDICTION**

20 13. This Court has proper jurisdiction over this action.

21 14. Plaintiff is informed and believes that Defendants, at all relevant times mentioned
22 herein, and were and currently are licensed to do business in California and were and currently are
23 conducting business throughout California. Specifically, Defendants employed Plaintiff in Los
24 Angeles County, California.
25

26 15. Plaintiff alleges on information and belief that DOES 1 through 20 were and are
27 corporations or other business entities, which were authorized to and did business in Los Angeles
28

County, California. Plaintiff is informed and believes that DOES 21 through 50 are individuals who at all relevant times herein were and are employees, managers, supervisors, managing agents, or officers of Defendants.

16. The amount in controversy herein is within the jurisdiction of this Court.

FACTUAL ALLEGATIONS

17. Plaintiff was, and at all times mentioned herein, an employee of Defendant SURGITEL. Defendant SURGITEL employed Plaintiff in Los Angeles, California as a Los Angeles Sales Representative from on or about April 2014 until her unlawful termination on or about July 5, 2021.

18. In or about December 2013, Plaintiff was interviewed for SURGITEL's Los Angeles Sales Representative position by Byung Jin Chang ("Mr. Chang"), CEO, and Sharon Chang ("Ms. Chang"), both co-owners of SURGITEL. During her interview, Plaintiff was asked about her plans to have children, to which Plaintiff confirmed that she did want to have children in the future. After Plaintiff's response, Mr. and Ms. Chang seemed disappointed and quickly ended the interview.

19. Shortly thereafter, Mr. and Ms. Chang informed Plaintiff the position had been filled and provided no further information.

20. However, in or about late February 2014, Greg Smith ("Mr. Smith"), National Sales Manager for SURGITEL, reached out to Plaintiff asking if she was still interested in working for SURGITEL, to which Plaintiff said she was.

21. Approximately two months later, in or about April 2014, Plaintiff was offered the Los Angeles Sales Representative position and began her employment with SURGITEL.

22. Notably, after Plaintiff began working for SURGITEL, she was informed by several employees that Mr. and Ms. Chang refused to initially employ Plaintiff based on her future plans to have children.

23. During her employment, Plaintiff performed her job duties well, and received consistent positive performance reviews, leading to several pay increases throughout her years with

1 the company.

2 24. During another positive performance review in or about January 2017, Plaintiff
3 informed her manager, Mr. Smith, that she had recently become pregnant. Shortly after, Mr. Smith
4 informed Ms. Chang about Plaintiff's pregnancy, causing Ms. Chang to become extremely upset and
5 frustrated due to the fact Plaintiff would soon be seeking maternity leave.

6 25. In or about July 2017, Mr. Smith met with Plaintiff to discuss her maternity leave and
7 how other sales representatives would help cover her territory while she was out. Plaintiff informed
8 Mr. Smith she would continue working until she went into labor but complained about her fear and/or
9 any repercussions she might suffer now that Ms. Chang was aware of her pregnancy.

10 26. Shortly thereafter, on or about September 5, 2017, Plaintiff went into labor and gave
11 birth, starting her maternity leave. However, just two weeks after giving birth, SURGITEL asked
12 Plaintiff to deliver loupes and other dental equipment to an Oxnard, California, hygiene program. In
13 fear of losing her job and not wanting to upset Mr. and Ms. Chang, Plaintiff reluctantly agreed and
14 traveled with her newborn son and husband to carry out the delivery.

15 27. In approximately October 2017, Plaintiff returned to work from maternity leave and
16 received another positive performance review. During this same timeframe, Plaintiff mentioned to
17 some of her co-workers that she and her husband were planning to have a second child soon.

18 28. As her employment continued, many of her co-workers warned Plaintiff to be careful
19 due to the fact Mr. and Ms. Chang had recently announced they did not want to hire women who were
20 planning to become pregnant or were capable of pregnancy. In addition, one of Plaintiff's coworkers,
21 Casey Somani ("Ms. Somani"), had recently become engaged and was instructed by Ms. Chang to
22 "not get pregnant immediately."

23 29. Beginning in or about March 2020, SURGITEL furloughed all of its employees due
24 to the COVID-19 pandemic. However, in or about June 2020, Plaintiff was one of the few employees
25 asked to come back to work due to her exemplary work ethic and strong sales numbers.

26 30. In or about mid-2021, Plaintiff began attending various doctor's appointments to start
27 fertility treatments with the hopes of becoming pregnant with her second child. During this time,
28

1 Plaintiff feared to lose her job due to the fact it was widely known around SURGITEL that Ms. Chang
2 disapproved of women becoming pregnant while employed by SURGITEL. Nonetheless, Plaintiff kept
3 her management informed, including Mr. Smith who would also inform Ms. Chang, of her
4 appointments. Notably, this did not impede on Plaintiff's ability to conduct her job duties, as
5 evidenced by her many positive performance reviews.

6 31. On or about June 28, 2021, Plaintiff's car was burglarized and her bag containing
7 SURGITEL demonstration products was stolen. Plaintiff immediately informed Mr. Smith and Mr.
8 Chang of the burglary and filed a police report. Mr. Smith suggested for Plaintiff to reach out to other
9 sales representatives in her region to borrow demo products as other employees had experienced
10 similar thefts in the past. Notably, these same employees had never received any disciplinary action
11 for their stolen equipment.

12 32. However, the next day, Plaintiff was informed by Mr. Smith that Mr. Chang was
13 planning to terminate her employment, allegedly in part because her demonstration products had been
14 stolen. In addition, Mr. Chang also attempted to cite to Plaintiff's alleged "poor performance,"
15 ignoring the fact that Plaintiff's performance had always been satisfactory or above, which was
16 indicated by her positive reviews. In response, Plaintiff emailed Mr. Chang that while she still did not
17 have all her equipment, she had enough product to continue working without any negative effects on
18 her performance. However, Mr. Chang completely ignored Plaintiff's email and never provided her
19 with a response.

20 33. Shortly thereafter, Plaintiff continued her work as per usual and was able to make sales
21 using her demo products she currently had on hand. In addition, other co-workers were still sending
22 Plaintiff product so she could continue to sell. Plaintiff also emailed Mr. Chang an update regarding
23 the additional products she received, but again did not receive a response back.

24 34. In or around July 2021, Plaintiff had undergone a polypectomy procedure for her
25 fertility issues and took two days off work in order to recover. Plaintiff promptly informed her
26 management, but her emails went ignored.

27 35. On or about July 6, 2021, after completing a demonstration of products appointment,
28

1 Plaintiff was informed by Mr. Smith she was terminated due to her sales numbers. Plaintiff
2 immediately emailed Mr. Smith and Mr. Chang for clarity regarding her termination due to alleged
3 poor sales performance. Plaintiff explained that she always consistently met her sales quotas, received
4 positive reviews, and was never once counseled or disciplined. Defendants, however, did not respond.

5 36. After multiple requests, Mr. Chang directed Plaintiff to speak to Carol Peterson (“Ms.
6 Peterson”), Director of SURGITEL’s Human Resources, and refused to answer further questions.

7 37. Plaintiff then reached out to Ms. Peterson on numerous occasions to inquire about
8 SURGITEL’s disciplinary and termination practices as well as requests for reimbursement for
9 mileage and other expenses. SURGITEL, however, refused to respond to any of Plaintiff’s inquiries.

10 38. Notably after Plaintiff’s termination, Defendants provided Plaintiff with a “final”
11 paycheck on or about July 23, 2021. However, Defendants failed to pay Plaintiff all her wages earned,
12 including but not limited to, wages earned for working a school event on behalf of Defendants, unused
13 paid time off she had accrued during her employment, and a bonus payment she was entitled to after
14 meeting her quarterly work goals, among other items.

15 **FIRST CAUSE OF ACTION**

16 **WHISTLEBLOWER RETALIATION**

17 (Individual and Representative Claim for Violation of California Labor Code § 1102.5)

18 (By Plaintiff Against SURGITEL and DOES 1 through 20, inclusive)

19 39. Plaintiff repeats and re-alleges the allegations set forth above and incorporates the
20 same by reference as though fully set forth herein.

21 40. California Labor Code § 1102.5(b) provides that “[a]n employer, or any person acting
22 on behalf of the employer, shall not retaliate against an employee for disclosing information, or
23 because the employer believes that the employee disclosed or may disclose information, to a
24 government or law enforcement agency, to a person with authority over the employee or another
25 employee who has the authority to investigate, discover, or correct the violation or noncompliance,
26 or for providing information to, or testifying before, any public body conducting an investigation,
27
28

1 hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a
2 violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal
3 rule or regulation, regardless of whether disclosing the information is part of the employee's job
4 duties.”

5 41. As alleged above, Plaintiff reported serious violations of state and federal laws to her
6 superiors and other officers and directors of Defendants who had authority to investigate and correct
7 these violations. These violations included, but are not limited to, unlawful discrimination,
8 harassment, and retaliation based on her sex and/or pregnancy and/or medical conditions relating to
9 pregnancy – namely, by stripping Plaintiff of her job duties and responsibilities, interfering with her
10 ability to perform her job duties, and ultimately terminating her employment after informing her
11 management about her pregnancy plans to have a second child.

12 42. After Plaintiff’s complaints to Defendants, Defendants discriminated and retaliated
13 against Plaintiff by terminating her employment.

14 43. Plaintiff alleges that Defendants and DOES 1 through 20, inclusive terminated her
15 employment in retaliation for reporting the above violations of state and federal labor laws to
16 Defendants.

17 44. Additionally, Plaintiff’s refusal to remain silent about such unlawful conduct also
18 constitutes her refusal to participate in the alleged illegality. Plaintiff’s refusal to participate in the
19 alleged illegality is considered an exercise of protected activity under California Labor Code
20 §1102.5(c). Plaintiff further alleges, therefore, that her termination was in contravention of the
21 provisions set forth in California Labor Code §1102.5(c), because her termination was in close
22 temporal proximity to her exercise of such protected activity.

23 45. Defendants and DOES 1 through 20, inclusive knew of Plaintiff’s whistleblowing
24 complaints protected by Section 1102.5 of the Labor Code.

25 46. Defendants and DOES 1 through 20, inclusive engaged in discrimination and
26 retaliation against Plaintiff because she engaged in activity protected by Section 1102.5 of the Labor
27 Code.
28

50. Pursuant to California Labor Code § 1102.5, Plaintiff is entitled to an award of reasonable attorney's fees and costs.

53. California Government Code § 12940(a) requires Defendant to refrain from discriminating against any employee on the basis of her sex and/or pregnancy and/or medical conditions relating to pregnancy. Per California Government Code § 12926(r), “sex” includes, but is

1 not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.

2 54. Plaintiff is female and as such, plaintiff is a member of a class protected from
3 discrimination. Plaintiff was undergoing various medical procedures and/or fertility treatments to
4 become pregnant during the time she was employed by Defendants, and as such, Plaintiff is a member
5 of a class protected from discrimination. Plaintiff was fully qualified for her position and competent
6 to perform her respective duties.

7 55. During the course of Plaintiff's employment, Plaintiff was treated less favorably than
8 similarly situated employees based on her sex and/or pregnancy and/or medical conditions relating to
9 pregnancy.

10 56. After learning of Plaintiff's medical procedures and/or fertility treatments to become
11 pregnant, Defendants discriminated against and harassed Plaintiff by fostering a hostile work
12 environment. Specifically, Defendants made various announcements regarding their disapproval of
13 women becoming pregnant during Plaintiff's employment, stripped Plaintiff of her job duties and
14 responsibilities, interfered with her ability to perform her job duties, and ultimately terminated her
15 employment after Plaintiff informed her management about her pregnancy plans to have a second
16 child.

17 57. Defendants took further adverse employment actions against Plaintiff by treating her
18 differently than other similarly situated non-disabled employees, and ultimately terminating her
19 employment for false, pretextual reasons.

20 58. Plaintiff's sex and/or pregnancy and/or medical conditions relating to pregnancy were
21 a substantial motivating reason for the adverse employment actions as well as for her disparate
22 treatment by Defendants.

23 59. The above said acts and omissions of Defendants, as alleged in the factual summary
24 of this Complaint, constituted sex (pregnancy) discrimination in violation of public policy and in
25 violation of California Government Code §§ 12940, *et seq.*

26 60. As a direct, foreseeable, and proximate result of Defendant's conduct, as alleged
27 above, Plaintiff has suffered lost income, employment, and career opportunities, and has suffered and
28

1 continues to suffer other economic loss, the precise amount of which will be proven at trial.

2 61. As a direct, foreseeable, and proximate result of Defendant's conduct, as alleged
3 above, Plaintiff has suffered and continues to suffer great anxiety, embarrassment, anger, loss of
4 enjoyment of life, and emotional distress, the precise amount of which will be proven at trial.

5 62. Defendant's conduct was a substantial factor in causing the aforementioned harm.

6 63. Defendants had in place policies and procedures that specifically prohibited and
7 required Defendant's managers, officers, and agents to prevent sex and/or pregnancy discrimination,
8 harassment, and retaliation based on complaints about discriminatory practices based on sex and/or
9 pregnancy against and upon employees of Defendant. Defendants and Does 1 through 50 were
10 managers, officers, and/or agents of Defendant and were aware of Defendant's policies and
11 procedures requiring Defendant's managers, officers, and agents to prevent, and investigate, sex
12 discrimination, harassment, and retaliation based on pregnancy against and upon employees of
13 Defendant. However, Defendant and Does 1 through 50 chose to consciously and willfully ignore
14 said policies and procedures and therefore, Defendant's outrageous conduct was fraudulent,
15 malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and
16 duties owed by each Defendant to Plaintiff. As such, Plaintiff is entitled to an award of exemplary
17 damages according to proof. The aforementioned conduct on which punitive damages is alleged, was
18 done with the advance knowledge by an officer, director and/or managing agent of Defendant and
19 Does 1 through 50. The alleged conduct on which punitive damages is alleged, was authorized,
20 ratified and/or committed by an officer, director, and/or managing agent of Defendants and Does 1
21 through 50.

22 64. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and
23 costs.

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THIRD CAUSE OF ACTION

RETALIATION IN VIOLATION OF FEHA

(Violation of the Fair Employment and Housing Act, Gov. Code § 12940(h))

(By Plaintiff Against Defendant SURGITEL and DOES 1 through 20, inclusive)

65. Plaintiff repeats and re-alleges the allegations set forth above and incorporates the same by reference as though fully set forth herein.

66. Defendant and DOES 1 through 20, inclusive are “employers” within the meaning of, and are subject to, the FEHA as employers of five (5) or more employees. Cal. Gov. Code § 12926(d).

67. Plaintiff was continuously employed by Defendant and DOES 1 through 20, inclusive, at all times herein.

68. California Government Code Section 12940(h) prohibits covered employers and/or persons from retaliating against employees for exercising any right under the FEHA.

69. Plaintiff exercised her rights under FEHA and engaged in legally protected activity by reporting and opposing the unlawful harassment, discrimination, and retaliation by Defendants based on her sex and/or pregnancy and/or medical conditions relating to pregnancy as outlined above. In addition, Plaintiff exercised her rights under FEHA and engaged in legally protected activity by requesting reasonable accommodations for her medical conditions relating to pregnancy and/or childbirth. In addition, Plaintiff exercised her rights under FEHA and engaged in legally protected activity by taking protected medical leave to address her medical conditions relating to pregnancy and/or childbirth. In reaction, Defendants and DOES 1 through 20, inclusive, punished Plaintiff by refusing to investigate her complaints in good faith, allowing and ratifying harassment and exclusion by others, making exaggerated and/or false allegations regarding Plaintiff’s performance, stripping Plaintiff of her job duties and responsibilities, interfering with her ability to perform her job duties, and ultimately terminating her employment after informing her management about her pregnancy plans to have a second child.

70. Defendants and DOES 1 through 20, inclusive, took the aforementioned adverse employment action in retaliation for Plaintiff’s exercise of rights guaranteed under the FEHA.

71. Plaintiff's opposition to Defendants, DOES 1 through 20, inclusive's unlawful discrimination, harassment, and retaliation were substantial motivating reasons for Defendants' and DOES 1 through 20's, inclusive's, decision to punish and subsequently terminate Plaintiff.

72. As a direct, foreseeable, and proximate result of Defendants' and DOES 1 through 20's, inclusive's, conduct, as alleged above, Plaintiff has suffered lost income, employment, and career opportunities, and has suffered and continues to suffer other economic losses, the precise amount of which will be proven at trial.

73. As a direct, foreseeable, and proximate result of Defendants' and DOES 1 through 20's, inclusive, conduct, as alleged above, Plaintiff has suffered and continues to suffer great anxiety, embarrassment, anger, loss of enjoyment of life, and emotional distress, the precise amount of which will be proven at trial.

74. Defendants' and DOES 1 through 20's, inclusive, conduct was a substantial factor in causing Plaintiff's aforementioned harm.

75. The conduct which Plaintiff complains of in this Complaint was carried out by Defendants and DOES 1 through 20, inclusive willfully, intentionally, and with oppression, malice, and fraud and was carried out with conscious disregard of Plaintiff's rights; as such, Plaintiff is entitled to an award of exemplary damages according to proof. The aforementioned conduct on which punitive damages is alleged, was done with the advanced knowledge by an officer, director and/or managing agent of Defendants and DOES 1 through 20, inclusive. The alleged conduct on which punitive damages is alleged, was authorized, ratified and/or committed by an officer, director, and/or managing agent of Defendants and DOES 1 through 20, inclusive.

76. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and costs.

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FOURTH CAUSE OF ACTION

FAILURE TO PREVENT HARASSMENT, DISCRIMINATION AND RETALIATION

(Violation of the Fair Employment and Housing Act, Gov. Code §12940 et seq.)

(By Plaintiff Against Defendant SURGITEL and DOES 1 through 20, inclusive)

77. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

78. As outlined above, Plaintiff was subjected to discrimination, harassment and retaliation due to her sex and/or pregnancy and/or medical conditions relating to pregnancy and/or due to her complaints of discrimination and/or harassment.

79. Instead of taking reasonable steps to prevent discrimination, harassment, and retaliation, and in complete disregard to Plaintiff's rights, Defendant and DOES 1 through 50, inclusive, retaliated against Plaintiff by terminating her employment.

80. The FEHA requires employers to take all reasonable steps to prevent harassment, discrimination, and retaliation, including the institution by employer of policies, procedures, and practices that include prompt and effective remedial procedures, and appropriate training, monitoring and disciplinary measures.

81. Defendant and DOES 1 through 50, inclusive, did not take any monitoring, training, or disciplinary measures to remedy the discrimination, or retaliation by Defendant and DOES 1 through 50's, inclusive. Defendants' policies, procedures, and practices were inadequate for prevention, monitoring, and remediation of discrimination, harassment, and retaliation. If such policies, procedures, and practices existed, employees, including supervisors, were insufficiently trained or made aware of those policies and procedures to prevent discrimination and retaliation from occurring. Once Defendant and DOES 1 through 50, inclusive, were made aware of discriminatory and retaliatory conduct against Plaintiff, they failed to take reasonable steps to prevent retaliation against Plaintiff, and instead engaged in further retaliation against Plaintiff by stripping Plaintiff of her job duties and responsibilities, interfering with her ability to perform her job duties, and ultimately terminating her employment after informing her management about her pregnancy plans to have a second child.

82. Defendant and DOES 1 through 50's, inclusive, failure to take reasonable steps to prevent discrimination and/or retaliation was a substantial factor in causing Plaintiff's harm.

83. As a direct, foreseeable, and proximate result of Defendant's and DOES 1 through 50's, inclusive conduct, as alleged above, Plaintiff has suffered lost income, employment, and career opportunities, and has suffered and continues to suffer other economic losses, the precise amount of which will be proven at trial.

84. As a direct, foreseeable, and proximate result of Defendant's and DOES 1 through 50's, inclusive conduct, as alleged above, Plaintiff has suffered and continues to suffer great anxiety, embarrassment, anger, loss of enjoyment of life, and emotional distress, the precise amount of which will be proven at trial. Her existing mental injuries were further exacerbated by Defendant's conduct.

85. The conduct which Plaintiff complains of in this Complaint, was carried out by Defendant and DOES 1 through 50, inclusive, willfully, intentionally, and with oppression, malice, and fraud and was carried out with conscious disregard of Plaintiff's rights; as such, Plaintiff is entitled to an award of exemplary damages according to proof. The aforementioned conduct on which punitive damages is alleged, was done with the advance knowledge by an officer, director and/or managing agent of Defendant and DOES 1 through 50, inclusive. The alleged conduct on which punitive damages is alleged, was authorized, ratified and/or committed by an officer, director, and/or managing agent of Defendant and DOES 1 through 50, inclusive and was made to cover up the real reason for termination.

86. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and costs.

FIFTH CAUSE OF ACTION

WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

(By Plaintiff Against Defendant SURGITELE and DOES 1 through 20, inclusive)

87. Plaintiff repeats and re-alleges the allegations set forth above and incorporates the same by reference as though fully set forth herein.

1 88. Plaintiff was employed by Defendant and DOES 1 through 20, inclusive at all time
2 herein.

3 89. Plaintiff is informed and believes and thereon alleges that Defendant and DOES 1
4 through 20 inclusive terminated her employment for reasons that violate public policy. Defendants
5 discriminated against Plaintiff on the basis of her sex and/or pregnancy and/or medical conditions
6 relating to pregnancy and terminated her employment at least in part on that basis.

7 90. Defendants and DOES 1 through 20, inclusive intentionally created or knowingly
8 permitted these working conditions.

9 91. The adverse working conditions would have been unusual and/or repeatedly offensive
10 to a reasonable person in Plaintiff's position.

11 92. Defendant and DOES 1 through 20, inclusive's termination of Plaintiff's employment
12 violates public policy of the State of California as Defendants harassed, retaliated against and
13 discriminated against and discharged Plaintiff at least in part on the basis of her sex and/or pregnancy
14 and/or medical conditions relating to pregnancy and/or her reports of unlawful conduct and/or because
15 Plaintiff exercised her rights under the FEHA/CFRA by requesting accommodations and/or taking a
16 medical leave of absence, which is explicitly prohibited by the FEHA and/or the California Labor
17 Code. Such public policy is set forth in Article I, §8, of the California Constitution and the California
18 Fair Employment Housing Act (Government Code § 12900, *et seq.*), which specifically prohibits
19 Defendants from discriminating against Plaintiff on the basis of her sex and/or pregnancy and/or
20 medical conditions relating to pregnancy in the workplace.

21 93. As a proximate result of the said termination, Plaintiff has suffered and continues to
22 suffer substantial losses in earnings and other employment benefits according to proof.

23 94. As a further proximate result of the said termination, Plaintiff has suffered and
24 continues to suffer humiliation, emotional distress, mental pain and anguish all to her damages in a
25 sum according to proof.

26 95. As a further and proximate result of said termination, Plaintiff has incurred and will
27 continue to incur expenses all to her damage in a sum to be determined at trial.
28

96. The aforementioned conduct by Defendants and DOES 1 through 20, inclusive, constitutes oppression, fraud, and malice, thereby entitling Plaintiff to an award of punitive damages against Defendants. Plaintiff is informed and believes and thereon alleges by failing to take adequate remedial measures, Defendants ratified the wrongful conduct and are guilty of oppression, fraud, and malice. Plaintiff is further informed and believes and thereon alleges that this act of oppression, fraud and malice or ratification was on the part of an officer, director, or managing agent of Defendants and DOES 1 through 20.

SIXTH CAUSE OF ACTION

FAILURE TO REIMBURSE EMPLOYEE EXPENSES

(Violation of California Labor Code § 2802)

(By Plaintiff Against Defendants SURGITEK and DOES 1 through 20, inclusive)

97. Plaintiff repeats and re-alleges the allegations set forth above and incorporates the same by reference as though fully set forth herein.

98. California Labor Code § 2802 requires an employer to indemnify an employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer.

99. During Plaintiff's employment, Defendants knowingly and willfully refused to indemnify Plaintiff for all business expenses and/or losses incurred in direct consequence of the discharge of her duties while working under the direction of Defendant including, but not limited to reimbursement for mileage and/or other travel expenses, and other employment related expenses, in violation of Labor Code § 2802.

100. As a direct, foreseeable, and proximate result of SAS's and DOES 1 through 20's, inclusive conduct, as alleged above, Plaintiff has suffered lost income, employment, and career opportunities, and has suffered and continues to suffer other economic loss, the precise amount of which will be proven at trial.

101. Plaintiff is entitled by statute to recover reasonable attorneys' fees, costs of suit, and

1 interest on the unpaid amounts pursuant to Labor Code § 2802(c).

2
3 **SEVENTH CAUSE OF ACTION**

4 **FAILURE TO PAY EARNED WAGES**

5 (Violation of California Labor Code § 204; IWC Wage Order No. 4-2001)

6 (By Plaintiff Against Defendant PACWHA and Does 1 through 20)

7 102. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates same
8 by reference as though fully set forth herein.

9 103. Plaintiff performed work on behalf of Defendants at a school event, per Defendants'
10 instructions. Plaintiff also never received payment for unused paid time off she had accrued during
11 her employment, and a bonus payment she was entitled to after meeting her quarterly work goals,
12 among other items.

13 104. Defendants thus failed to pay Plaintiff wages she earned as required by the California
14 Labor Code and the Wage Order.

15 105. Plaintiff has been deprived of her rightfully earned wages as a direct and proximate
16 result of Defendants' failure to pay said compensation. Plaintiff is entitled to recover such amounts,
17 plus interest thereon, attorney's fees and costs.

18 106. In committing the foregoing acts, Defendants were guilty of oppression, fraud, or
19 malice, and, in addition to the actual damages caused thereby, Plaintiff is entitled to recover damages
20 for the sake of example and by way of punishing Defendants.

21
22 **EIGHTH CAUSE OF ACTION**

23 **FAILURE TO FURNISH ACCURATE ITEMIZED WAGE STATEMENTS**

24 (Violation of California Labor Code § 226)

25 (By Plaintiff Against Defendants SURGITEL and DOES 1 through 20, inclusive)

26 107. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates same
27 by reference as though fully set forth herein.
28

108. California Labor Code § 226 and the applicable Wage Order provides: “Every employer shall semimonthly or at the time of each payment of wages furnish each employee, either as a detachable part of the check, draft, or voucher paying the employee’s wages, or separately, an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee’s social security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item.”

109. Additionally, California Labor Code § 226(a) requires employers to keep accurate records of all hours worked and wages paid to all employees.

110. Defendants knowingly and intentionally failed to provide Plaintiff with accurate wage and hour statements showing gross wages earned, including bonuses she had earned and unused paid time off she had accrued, total hours worked, and the corresponding number of hours worked at each hourly rate by them.

111. Additionally, Defendants knowingly and intentionally failed to keep accurate records of Plaintiff’s true and accurate hours worked by forcing Plaintiff to forfeit hours she worked, bonuses she had earned, and unused paid time off she accrued, among other things, all of which was inaccurate and directly translated into her official pay and wage statements.

112. Plaintiff suffered injury as a result of Defendants’ knowing and intentional failure to provide her with accurate wage and hour statements required by law.

NINTH CAUSE OF ACTION

WAITING TIME PENALTIES

(Violation of California Labor Code §§ 201, 202, 203)

(By Plaintiff Against Defendants SURGITEL and DOES 1 through 20, inclusive)

113. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates same by reference as though fully set forth herein.

114. Defendants willfully failed to pay Plaintiff accrued wages due to her promptly upon

1 separation, as required by California Labor Code sections 201 and 202.

2 115. As Plaintiff was never compensated for certain wages owed, her final paycheck paid
3 to her upon separation is not a full and final paycheck of all wages owed and due to Plaintiff.

4 116. Plaintiff has been deprived of her rightfully earned wages as a direct and proximate
5 result of Defendant's failure to pay said compensation. Plaintiff is entitled to such amounts.

6 117. Based on Defendants' conduct as alleged herein, Defendants are liable for statutory
7 penalties pursuant to California Labor Code § 203 for thirty days, the maximum penalty, since
8 Plaintiff was never paid all wages, including bonuses, she had earned and was owed.

9
10 **TENTH CAUSE OF ACTION**

11 **VIOLATION OF BUSINESS & PROFESSIONS CODE SECTION 17200 ET SEQ.**

12 (By Plaintiff Against Defendant SURGITEL and DOES 1 through 20, inclusive)

13 118. Plaintiff repeats and re-alleges the allegations set forth above and incorporates the
14 same by reference as though fully set forth herein.

15 119. Defendant and DOES 1 through 20, inclusive, have in the course of business
16 committed acts and/or omissions and engaged in a practice of unfair competition, as defined by
17 California Business & Professions Code section 17200 et seq., including but not limited to
18 discriminating against Plaintiff on the basis of her sex and/or pregnancy and/or medical conditions
19 relating to pregnancy, and/or violations of law and by terminating Plaintiff's employment at least in
20 part due to her sex and/or pregnancy and/or medical conditions relating to pregnancy.

21 120. The conduct of Defendant and DOES 1 through 20, as alleged above, constitutes
22 unlawful, unfair and fraudulent activity prohibited by California Business and Professions Code
23 section 17200 et seq.

24 121. As a result of their improper acts, Defendant and DOES 1 through 20, inclusive, and
25 each of them, have reaped and continue to reap unfair benefits and illegal profits at Plaintiff's expense.
26 Defendant and DOES 1 through 20, inclusive, and each of them, should be made to disgorge these
27 ill-gotten gains and restore to Plaintiff these gains pursuant to California Business and Professions
28

Code section 17203.

122. Defendant and DOES 1 through 20, inclusive, and each of them, should also be subjected to a permanent injunction prohibiting Defendant and DOES 1 through 20, inclusive, and each of them, from violating the California Labor Code by retaliating against and discharging employees for reporting violations of law to Defendants.

123. Plaintiff requests relief as described below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

ON ALL CAUSES OF ACTION

(Against All Defendants)

1. For compensatory damages, together with prejudgment and post-judgment interest, according to proof;
2. For general damages, according to proof;
3. For reasonable attorney's fees according to proof;
4. For exemplary and punitive damages, according to proof;
5. For costs of suit incurred herein;
6. For a permanent injunction prohibiting Defendants, and each of them, from discriminating against employees on the basis of sex and/or pregnancy and/or medical conditions relating to pregnancy and/or from unfair competition;
7. For a permanent injunction prohibiting Defendants, and each of them, from retaliating against employees for reporting violations of State or Federal law;
8. For disgorgement of all ill-gotten and/or ill-gained profits resulting from the unfair business practices of Defendants, and each of them;
9. For Defendants to be ordered and enjoined to pay restitution and applicable penalties to Plaintiff due to Defendant's unlawful and/or unfair activities, pursuant to California Business & Professions Code §§ 17200 – 17205;

- 1 10. For Defendants to be further enjoined to cease and desist from unlawful and/or unfair
2 activities in violation of California Business & Professions Code § 17200, *et. seq.*;
3 11. For such other and further relief as the court deems just and proper.
4
5

6 **DEMAND FOR JURY TRIAL**

7 Plaintiff demands a trial by jury as to all issues so triable.
8

9 Dated: February 16, 2022

ODELL LAW, PLC

10
11 By: _____



Robert A. Odell, Esq.
Claudette H. Villicaña, Esq.
Attorneys for Plaintiff,
JENNIE BENNETT

EXHIBIT “B”

EXHIBIT “B”

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Robert A. Odell (SBN 286488); Claudette H. Villicana (SBN 325669) FIRM NAME: Odell Law, PLC STREET ADDRESS: 1 Park Plaza, Suite 600 CITY: Irvine STATE: CA ZIP CODE: 92614 TELEPHONE NO.: (949) 833-7105 FAX NO.: (949) 606-8122 E-MAIL ADDRESS: rob@odelllaw.com; cvillicana@odelllaw.com ATTORNEY FOR (Name): Jennie Bennett		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 275 Magnolia Avenue MAILING ADDRESS: 275 Magnolia Avenue CITY AND ZIP CODE: Long Beach, 90802 BRANCH NAME: Governor George Deukmejian Courthouse		
Plaintiff/Petitioner: Jennie Bennett Defendant/Respondent: General Scientific Corporation dba Surgitel		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		CASE NUMBER: 22LBCV00069

TO (insert name of party being served): General Scientific Corporation dba Surgitel

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: March 9, 2022

Claudette H. Villicana
 (TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

1. ☒ A copy of the summons and of the complaint.
 2. ☒ Other (specify):

Civil Case Cover Sheet
 Notice of Case Assignment Unlimited Civil Case
 Notice of Case Management Conference
 Order to Show Cause Hearing

(To be completed by recipient):

Date this form is signed: 3/9/22

Neil J. Julian for General Scientific Corp.
 (TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
 ON WHOSE BEHALF THIS FORM IS SIGNED)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
 ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

Page 1 of 1

EXHIBIT “C”

EXHIBIT “C”

SUM-100

SUMMONS

(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:**(AVISO AL DEMANDADO):**

GENERAL SCIENTIFIC CORPORATION, a Michigan corporation, dba SURGITEL; and
DOES 1 through 50, inclusive.

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JENNIE BENNETT, an individual.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Governor George Deukmejian Courthouse, 275 Magnolia Avenue, Long Beach, CA 90802

CASE NUMBER: (Número del Caso):

22LBCV00069

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Robert A. Odell, Claudette H. Villicana; Odell Law, PLC; 1 Park Plaza, Suite 600, Irvine, CA 92614; (949) 833-7105

DATE: 02/16/2022

(Fecha)

Clerk, by
(Secretario)

J. Ballesteros

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) Sherri R. Carter Executive Officer / Clerk of Court
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED: You are served**

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date):

Page 1 of 1

EXHIBIT “D”

EXHIBIT “D”

Case 5:23-cv-10605-JEL-KGA ECF No. 1, PageID.44 Filed 03/15/23 Page 44 of 66

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): 22LBCV00089
 Robert A. Odell (SBN 286488); Claudette H. Villicana (SBN 325669)
 Odell Law, PLC
 1 Park Plaza, Suite 600, Irvine, CA 92614

TELEPHONE NO.: (949) 833-7105 FAX NO. (Optional): (949) 852-4480
 ATTORNEY FOR (Name): Jennie Bennett

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
 STREET ADDRESS: 275 Magnolia Avenue
 MAILING ADDRESS: 275 Magnolia Avenue
 CITY AND ZIP CODE: Long Beach, 90802
 BRANCH NAME: Governor George Deukmejian Courthouse

CASE NAME:
 JENNIE BENNETT V. GENERAL SCIENTIFIC CORPORATION dba SURGITEL

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000)

Complex Case Designation

☐ Counter ☐ Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
 22LBCV00089

JUDGE:
 DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input checked="" type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p>
--	---	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 9; Wrongful Termination, Discrimination, Harassment, Retaliation, etc.
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 16, 2022

Claudette H. Villicana
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE: BENNETT V. GENERAL SCIENTIFIC CORPORATION dba SURGITEL

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
2. Permissive filing in central district.
3. Location where cause of action arose.
4. Mandatory personal injury filing in North District.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle. | 7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.
11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
|--|---|

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11

SHORT TITLE: BENNETT V. GENERAL SCIENTIFIC CORPORATION dba SURGITEL

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: BENNETT V. GENERAL SCIENTIFIC CORPORATION dba SURGITEL

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment With Damages <input type="checkbox"/> A6123 Workplace Harassment With Damages <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case With Damages <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

SHORT TITLE: BENNETT V. GENERAL SCIENTIFIC CORPORATION dba SURGITEL

CASE NUMBER

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: 309 Argonne Avenue		
CITY: Long Beach		STATE: CA	ZIP CODE: 90814		

Step 5: Certification of Assignment: I certify that this case is properly filed in the South District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: February 16, 2022


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

EXHIBIT “E”

EXHIBIT “E”

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	<small>Reserved for Clerk's File Stamp</small> FILED Superior Court of California County of Los Angeles 02/16/2022 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>J. Ballesteros</u> Deputy
COURTHOUSE ADDRESS: Governor George Deukmejian Courthouse 275 Magnolia Ave, Long Beach, CA 90802	
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE	
Your case is assigned for all purposes to the judicial officer indicated below.	CASE NUMBER: 22LBCV00069

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Michael P. Vicencia	S26					

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

on 02/17/2022

(Date)

By J. Ballesteros, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within **15** days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

EXHIBIT “F”

EXHIBIT “F”

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles 02/17/2022
COURTHOUSE ADDRESS: Governor George Deukmejian Courthouse 275 Magnolia Ave, Long Beach, CA 90802		Sherri R. Carter, Executive Officer / Clerk of Court By: <u>J. Ballesteros</u> Deputy
PLAINTIFF: Jennie Bennett		
DEFENDANT: General Scientific Corporation, a Michigan corporation		CASE NUMBER: 22LBCV00069
NOTICE OF CASE MANAGEMENT CONFERENCE		

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: 07/18/2022	Time: 8:30 AM	Dept.: S26
------------------	---------------	------------

NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 3.37, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.



Michael P. Vicencia

Dated: 02/17/2022

Michael P. Vicencia / Judge
Judicial Officer

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

☒ by depositing in the United States mail at the courthouse in Long Beach, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

☐ by personally giving the party notice upon filing of the complaint.

Claudette Villicana
1 Park Plaza, Suite 600

Irvine, CA 92614

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 02/17/2022

By J. Ballesteros
Deputy Clerk

NOTICE OF CASE MANAGEMENT CONFERENCE

EXHIBIT “G”

EXHIBIT “G”

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Governor George Deukmejian Courthouse 275 Magnolia Ave, Long Beach, CA 90802		FILED Superior Court of California County of Los Angeles 02/17/2022 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>J. Ballesteros</u> Deputy
PLAINTIFF(S): Jennie Bennett		
DEFENDANT(S): General Scientific Corporation, a Michigan corporation		
ORDER TO SHOW CAUSE HEARING		CASE NUMBER: 22LBCV00069

To the party / attorney of record:

You are ordered to appear for an Order to Show Cause Hearing on 05/03/2022 at 8:30 AM in department S26 of this court, Governor George Deukmejian Courthouse, and show cause why sanctions should not be imposed for:

☒ Failure to file proof of service.

Failure to comply or appear may result in sanctions pursuant to one or more of the following: California Rules of Court, rule 2.30 and rule 3.1340; Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.310, 583.360, 583.410, 583.420, 583.430; and Government Code section 68608.

☒ To avoid a mandatory appearance all required documents must be filed at least 5 days prior to the date of the hearing.



Michael P. Vicencia

Dated: 02/17/2022

Michael P. Vicencia / Judge
Judicial Officer

ORDER TO SHOW CAUSE HEARING

EXHIBIT “H”

EXHIBIT “H”

ODELL LAW, PLC
Robert A. Odell (SBN 286488)
rob@odelllaw.com
Claudette Villicaña (SBN 325669)
cvillicana@odelllaw.com
1 Park Plaza, Suite 600
Irvine, California 92614
Telephone: (949) 833-7105
Fax: (949) 852-4480

Attorneys for Plaintiff
JENNIE BENNETT

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – UNLIMITED CIVIL

JENNIE BENNETT, an individual

Plaintiff,

vs.

GENERAL SCIENTIFIC CORPORATION, a
Michigan corporation, dba SURGITEL; and DOES 1
through 50, inclusive,

Defendants.

Case No. 22LBCV00069

PROOF OF SERVICE

PROOF OF SERVICE

(C.C.P. § 1013a (3); Revised 5/1/88)

STATE OF CALIFORNIA, COUNTY OF ORANGE

I reside and work in the County of Orange, State of California. I am over the age of 18 and not a party to the action. My business address is 1 Park Plaza, Suite 600, Irvine, CA, 92614.

On March 9, 2022, I served the foregoing DOCUMENTS, described as

- **SUMMONS**
- **COMPLAINT**
- **CIVIL CASE COVER SHEET**
- **NOTICE OF ASSIGNMENT UNLIMITED CIVIL CASE**
- **NOTICE OF CASE MANAGEMENT CONFERENCE**
- **ORDER TO SHOW CAUSE HEARING**

on each interested party in this action, by placing the true copies thereof enclosed in sealed envelopes addressed as follows:

Neil J. Juliar
juliar@cmplaw.com
Conlin, McKenney & Philbrick, P.C.
350 S. Main St. Suite 400
Ann Arbor, MI 48104
Telephone: (734) 761-9000
Fax: (734) 761-9001

Attorneys for Defendant, GENERAL SCIENTIFIC CORPORATION dba SURGITEL

(BY MAIL) I am "readily familiar" with the firm's practice for collection and processing correspondence for mailing. Under that practice it would be deposited with the Federal Express (FEDEX) on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY FAX) At , I transmitted, pursuant to Rules 2001 et seq., the above-described document by facsimile machine (which complied with Rule 2003(3)), to the above-listed fax number(s). The transmission originated from facsimile phone number (949) 266-9388 and was reported as complete and without error. The facsimile machine properly issued a transmission report, a copy of which is attached hereto.

(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

(BY OVERNIGHT DELIVERY) I caused said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).

1 X (BY ELECTRONIC SERVICE) by transmitting via electronic mail the above
2 documents.

3 (VIA ONELEGAL ELECTRONIC E-SERVICE SYSTEM) I transmitted via the
4 Internet a true copy(s) of the above-entitled document(s) to the OneLegal Electronic
5 Service and concurrently caused the above-entitled document(s) to be sent to the recipients
6 listed above pursuant to the E-Service List maintained by and as it exists on that database.
7 This will constitute service of the above-listed document(s).

8 Executed on March 9, 2022, at Irvine, California.

9 I declare under penalty of perjury, under the laws of the State of California, that the
10 foregoing is true and correct.

11 
12 Claudette Villicaña

EXHIBIT “I”

EXHIBIT “I”

1 THERESA A. KADING (SBN 211469)
Email: tkading@kadingbriggs.com
2 STANLEY G. STRINGFELLOW II (SBN 259047)
Email: sgs@kadingbriggs.com
3 KADING BRIGGS LLP
100 Spectrum Center Drive, Suite 800
4 Irvine, California 92618
Telephone: (949) 450-8040
5 Facsimile: (949) 450-8033

6 Attorneys for Defendant
GENERAL SCIENTIFIC CORPORATION
7
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES
11

12 JENNIE BENNETT, an individual,

13 Plaintiff,

14 vs.

15 GENERAL SCIENTIFIC
CORPORATION, a Michigan
16 corporation, dba SURGITEL; and
DOES 1 through 50, inclusive,
17

18 Defendants.
19

CASE NO.: 22LBCV00069

Assigned for all purposes to
the Hon. Michael P. Vicencia, Dept. S26

**NOTICE TO ADVERSE PARTY OF
REMOVAL OF CIVIL ACTION TO
UNITED STATES DISTRICT COURT
PURSUANT TO 28 U.S.C. §§ 1332,
1441, AND 1446 (DIVERSITY)**

1 TO PLAINTIFF AND HER ATTORNEYS OF RECORD:
2

3 PLEASE TAKE NOTICE THAT a Notice of Removal of this action
4 was filed in the United States District Court for the Central District of California on
5 April 6, 2022. A copy of said Notice of Removal and supporting exhibits are
6 attached to this Notice, and are served and filed herewith.
7

8 DATED: April 6, 2022
9

KADING BRIGGS LLP

10 By: 
11 THERESA A. KADING

12 Attorneys for Defendant
13 GENERAL SCIENTIFIC CORPORATION
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EXHIBIT “J”

EXHIBIT “J”

1 THERESA A. KADING (SB # 211469)
Email: tkading@kadingbriggs.com
2 STANLEY G. STRINGFELLOW II (SBN 259047)
Email: sgs@kadingbriggs.com
3 KADING BRIGGS LLP
100 Spectrum Center Drive, Suite 800
4 Irvine, California 92618
Telephone: (949) 450-8040
5 Facsimile: (949) 450-8033

6 Attorneys for Defendant
GENERAL SCIENTIFIC CORPORATION
7
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11

12 JENNIE BENNETT, an individual,

13 Plaintiff,

14 vs.

15 GENERAL SCIENTIFIC
CORPORATION, a Michigan
16 corporation, dba SURGITEL; and
DOES 1 through 50, inclusive,
17

18 Defendants.
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CASE NO.: 22LBCV00069

Assigned for all purposes to
the Hon. Michael P. Vicencia, Dept. S26

**NOTICE TO STATE COURT OF
REMOVAL OF CIVIL ACTION TO
THE UNITED STATES DISTRICT
COURT PURSUANT TO 28 U.S.C. §§
1332, 1441, AND 1446 (DIVERSITY)**

1 TO THE CLERK OF THE SUPERIOR COURT FOR THE COUNTY OF LOS
2 ANGELES:

3
4 Attached hereto as Exhibit "1" is a true and correct copy of the Notice
5 to Adverse Party of Removal of this action to the United States District Court for
6 the Central District of California. The original Notice of Removal of Civil Action
7 to the United States District Court was filed with the United States District Court
8 for the Central District of California with the attached exhibits on April 6, 2022.

9
10 The filing of said Notice of Removal effects the removal of the above-
11 entitled action from this Court.

12
13 DATED: April 6, 2022

KADING BRIGGS LLP

14
15 By: 

16 THERESA A. KADING

17 Attorneys for Defendant
18 GENERAL SCIENTIFIC CORPORATION
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